

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1, 3-10, 12-16, 18-29, and 31-32 are pending.

Amendment to the Claims

Claims 1, 3-10, 12-16, 18-29, and 31-32 have been examined with no claims being allowed. Claims 1, 14, and 27 have been amended herein. No new matter has been added by this Amendment.

Applicants have amended Claims 1, 14, and 27 to eliminate the limitation of a "non-releasable" leak-proof seal. Applicants have further amended Claim 1 to eliminate the limitation of the strength of the seal being optimized.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejections - 35 U.S.C. §112**A. First Paragraph**

The rejection of Claims 1, 3-10, 12-16, 18-29, and 31-32 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement is respectfully traversed. Applicants have amended independent Claims 1, 14, and 27 by removing the limitation of the seal or bond being "non-releasable," thereby rendering this rejection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. Second Paragraph

The rejection of Claims 1, 3-10, 12-16, 18-29, and 31-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed. Applicants have amended independent Claim 1 by removing the limitation of the strength of the seal being optimized, thereby rendering this rejection moot. This limitation was not present in the other independent claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1, 3-10, 12-16, 18-29, and 31-32 under 35 U.S.C. §103(a) as being unpatentable over Kielpikowski (EP 0 677 284 A1) in view of Bridges et al. (U.S. Patent 5,624,420, hereinafter “Bridges”) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Kielpikowski does not disclose or suggest a bond pattern for attaching containment flaps to a garment, but instead discloses bond patterns for securing an elastic member within a containment flap. Additionally, the bond pattern in Fig. 4 of Kielpikowski, although it is illustrated as having at least three parallel rows of thermal bond points, is described as an example of *minimized use* of thermal bonds in the containment flap (Col. 10, lines 1-3). Because of the considerable spacing between the thermal bonds in Fig. 4, the overall bond pattern is not leak-proof. Furthermore, there is no suggestion or motivation in Kielpikowski to create a *leak-proof* bond pattern because the purpose of the bond pattern in Kielpikowski is to maintain the elastic member in place between two layers, not to bond two components or substrates together to create a leak-proof seal.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. There is no suggestion to modify Kielpikowski to achieve Applicants’ claimed invention, nor is there any suggestion to combine the

teachings of Kielpkowski and Bridges. More particularly, Kielpkowski discloses containment flap constructions that include an elastic member bonded between two layers, whereas Bridges discloses a “tear line” having sufficient weakness and extending from a waist opening to a leg opening in the front of a garment. Because of the different locations and the different qualities of the bond patterns in these two references, there is no suggestion or motivation to combine the teachings of these two references.

More particularly, the purpose of the bond pattern in Kielpkowski would be defeated if the bond pattern in Bridges were combined with the garment in Kielpkowski, because a tear line within a containment flap would result in leakage upon tearing. The bond pattern in Kielpkowski is designed to maintain an elastic member between two layers and is not designed to be weak or capable of tearing.

Applicants’ invention, as recited in independent Claims 1, 14, and 27, requires at least two layers of liquid-impermeable material bonded together with at least three parallel rows of bond points forming a leak-proof seal. Even if the bond pattern in Kielpkowski were combined with the garment of Bridges, there would be no expectation of success in achieving the leak-proof seal of Applicants’ invention because the bond pattern would necessarily be applied in such a manner as to create a tear line having sufficient weakness. Absent impermissible hindsight, the resulting combination of Kielpkowski and Bridges would not disclose or suggest the attachment of containment flaps to a garment using bond points, nor would the resulting combination disclose or suggest the location of a leak-proof seal along an edge of at least one layer of liquid-impermeable material.

Bridges fails to overcome the deficiencies of Kielpkowski. Neither Kielpkowski nor Bridges discloses or suggests a leak-proof seal. Furthermore, neither Kielpkowski nor Bridges discloses or suggests a bond pattern for attaching containment flaps to a garment.

For at least the reasons given above, Applicants respectfully submit that the teachings of Kielpkowski in view of Bridges fail to disclose or suggest Applicants’ claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Melanie J. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403